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HAND-DELIVER

PATENT

DOCKET NO. STK-001CP2DVFWC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): OPPERMAN ET AL.

SERIAL NO.: 07/995,345  
File Wrapper  
Continuation of  
USSN 07/621,988

GROUP NO.: 1503

FILED: 12/22/92

EXAMINER: Nutter, N.

TITLE: OSTEOGENIC PROTEINS

Honorable Commissioner of Patents  
& Trademarks  
Washington, D.C. 20231

RECEIVED  
APR 6 1993  
GROUP 1500

TERMINAL DISCLAIMER

Sir:

Stryker Corporation, of Kalamazoo, Michigan, through its Chairman, President and Chief Executive Officer, John W. Brown, having authority to execute this terminal disclaimer, states that it is Assignee of the entire right, title and interest in the above-entitled application USSN 07/995,345, by virtue of Assignments recorded in the Patent and Trademark Office at Reel 5049, Frame 0184, on February 23, 1989 by the inventors in this application to Creative BioMolecules, Inc., and at Reel 5863, Frames 0091-0094 on September 3, 1991 by Creative BioMolecules, Inc. to Stryker Corporation, that it has reviewed the Assignments and certifies to the best of its knowledge and belief that title is in Stryker Corporation. Stryker Corporation hereby waives and disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the full statutory seventeen year term of any patent which would issue from USSN 07/841,646, filed February 21, 1992, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the

Applicant: Oppermann et al.  
U.S.S.N.: 07/995,345  
Filed: 12/22/92  
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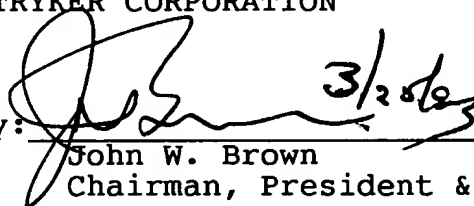
legal title to said patent shall be the same as the legal title to any patent issuing from USSN 07/841,646, this agreement to run with any patent granted on the above-identified application and to be binding upon the Assignee, its successors or assigns.

Stryker Corporation does not disclaim any terminal part of the term of patent granted on the above-referenced application Serial No. 995,345 prior to the expiration date of the full statutory term of the patent granted on USSN 07/841,646, in the event that said USSN 07/841,646 patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, if any, except for the separation of legal title stated above.

Please charge the statutory fee of \$110.00 as well as any additional fees associated with submittal of this Disclaimer to Deposit Account No. 20-0531. A duplicate of this sheet is attached.

STRYKER CORPORATION

By:

 3/2/93  
John W. Brown  
Chairman, President & CEO

Date: \_\_\_\_\_

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299RDK7557/2.AY8

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TO BE HAND-DELIVERED TO GROUP 1503 ON APRIL 6, 1993

PATENT APPLICATION  
DOCKET NO.: STK-001CP2DVFWC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Oppermann, et al.                      Examiner: N. Nutter  
Serial No.: 07/995,345                      Group Art Unit: 1503  
Filed: December 22, 1992  
Docket No.: STK-001CP2DVFWC  
Title: OSTEOGENIC PROTEINS

TERMINAL DISCLAIMER TRANSMITTAL LETTER

The Honorable Commissioner  
of Patents and Trademarks  
Washington, D. C. 20231

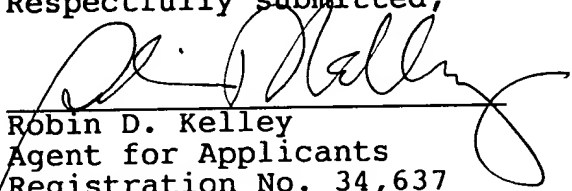
Dear Sir:

We enclose an executed Terminal Disclaimer disclaiming the terminal part of any patent granted on the above-referenced patent application which would extend beyond the expiration of the full statutory term of any patent granted on copending USSN 07/841,646, filed February 21, 1992.

Please charge the necessary fee of \$110.00 associated with submittal of this Terminal Disclaimer to Deposit Account No. 20-0531. Please also charge any additional fees or credit any overpayment associated with this transmittal to Deposit Account No. 20-0531. This transmittal letter is being submitted in duplicate.

Respectfully submitted,

Date: April 6, 1993

  
Robin D. Kelley  
Agent for Applicants  
Registration No. 34,637

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Boston, MA 02109  
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